STATUS OF THE CLAIMS

Claims 9-17 and 19-27 were pending.

Claims 9 and 19 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Eden, et al (US 4,874,628).

Claims 10-15 and 20-25 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Eden, et al (US 4,874,628).

Claims 16, 17, 26, and 27 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Eden, et al (US 4,874,628) in view of Jeffcoat, et al. (US 6,488,980), Park (US 4,784,871), or Yuan (US 6,017,388).

Claims 9-17 and 19-27 are presented for reconsideration.

REMARKS

The disclosure was objected to because of the informality that the status of the parent was omitted. This informality has been attended to.

Claims 9 and 19 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Eden, et al (US 4,874,628). Claim 9 claims a composition comprising a sago starch with a water fluidity (WF) of from about 40 to 80, and water, and claim 19 claims a method for increasing the gel strength of a composition by adding such starch. Sago starch which has been converted to the specified WF is novel in that it unexpectedly gels to form a strong gel, compared to other bases which have been similarly converted. See for example figures 1 and 2 of the present application which compares converted starches of different bases at a variety of WF values.

Eden discloses a variety of converted starches, corn, potato, sweet potato, rice, sago, tapioca, waxy maize, sorghum, and the like. However, not only does he not recognize that sago is different from the other bases, but also Eden never specifies the range of WF from 40-80. As Eden does not disclose a sago starch with a WF of from 40 to 80, this is an improper rejection under 35 U.S.C. § 102(b) in that not each and every claim limitation is present in Eden.

Further, with respect to claim 19, Eden does not increase the gel strength of a composition by the addition of a fluidity sago starch. Eden uses a high amylose starch, either alone or in combination with a fluidity starch. Not only is it well known in the art that high amylose starches provide the gel strength for jelly gum confectionaries, but it is clear from the application as the high amylose starch is a necessary ingredient and the fluidity starch is merely an optional ingredient. This is evidenced by Example VII, in which the high amylose starch gives the gelling property to the confectionary dispersion, not the unconverted corn starch. Thus, the present invention is novel in view of Eden.

The present invention would not be obvious in view of Eden. Looking at the examples, corn starches are the only converted bases used. A 65 WF corn starch is mixed in with the high amylose starch in some of the examples, but as can be seen from the figures of the present application, corn starch with a WF in this range is does not form a strong gel as would a similarly converted sago starch. Thus, sago starch is superior over corn starch.

Claims 10-15 and 20-25 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Eden, et al (US 4,874,628). The Examiner states that since "the sago starch in Eden et al has the same physical characteristics as applicant's starch, Eden et al's sago starch will obviously have the same gel strength claimed by applicant." As described above, Eden et al. does not use the same sago starch claimed by applicant. Applicants have shown the superiority of degraded sago starch over degraded corn starch. Further, Eden discloses numerous compounds. First he discloses starch in general, listing eight specific starches. By exemplifying only corn, he clearly shows his preference for corn, leading away from sago. Second, he lists that any degree of conversion may be used. A disclosure of such a multitude of compounds would not render obvious a claim limited to simply a few, particularly when such disclosure indicates a preference leading away from the claimed compounds. Thus this rejection has been overcome.

Claims 16, 17, 26, and 27 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Eden, et al (US 4,874,628) in view of Jeffcoat, et al. (US 6,488,980), Park (US 4,784,871), or Yuan (US 6,017,388). The Examiner states that it "would have been obvious to use the sago starch in Eden, et al. as a thickener for yogurt since it is conventional to thicken yogurt with starch," as evidenced by the other references. However, as Eden does not use the same sago starch claimed by applicant, this rejection has been overcome.

Applicant submits the Application is now in condition for allowance and respectfully requests early notice to that effect.

Respectfully submitted,

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